

YABE, et al.

Appl. No. 10/021,436

Response to Office Action dated September 7, 2005

AMENDMENTS TO THE DRAWINGS:

Figures 6 and 7 have been designated with the legend "Conventional Art". No new matter is added.

Appendix: Replacement Drawing Sheets

Annotated Drawing Sheets Showing Changes

REMARKS

Reconsideration and allowance of this application are respectfully requested.

As required, Figures 6 and 7 have been designated with the legend "Conventional Art" consistent with the description at, for example, page 7, lines 16-20.

A Listing of Claims is provided for the Examiner's convenient reference.

Claims 1-4, 7 and 9 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over the admitted prior art in view of Moyski et al. (U.S. Patent No. 5,185,803).

Applicant respectfully submits that the proposed combination of the admitted prior art and Moyski et al. fails to suggest the subject matter of claim 1.

First, the claims clearly specify that the balance control device attenuates one of a first volume level and a second volume level, and maintains or increases the other one of the first volume level and the second volume level to be at a main volume level. In contrast, the microcontroller 31 of Moyski mutes or reduces all the gain of the audio signals from the audio circuit 30 in the same manner. Therefore, the microcontroller 31 of Moyski does not correspond to the claimed balance control device.

The office action contends that the muted or reduced level achieved by the microcontroller 31 could become, by chance, equal to the level achieved by the claimed balance control device. However, without conceding that the correctness of this contention, a hindsight recognition of that a prior art device could possibly be operated in particular mode does not constitute a teaching for modifying the prior art to provide this operation.

Second, if the microcontroller 31 is used as a balance control device, the main volume level common to all the speakers is reduced or set to zero level. In that case, the sound image does not move if any external input is supplied, and the problem solved by the claimed arrangement is not present. Therefore, it would not be necessary, for example, to attenuate the main volume level to the level attenuated by the balance control device. More specifically, by way of illustration not limitation, the claimed arrangement can overcome a problem which is caused if the external signal is input when the levels of the front and rear speakers are made different by the balance control device, whereby the sound image moves and the listener can feel uncomfortable. Such a problem is not present in a system like Moyski et al. in which the mute circuit or attenuation circuit changes the main volume level of all the speakers in the same

manner and does not include a balance control circuit for changing the volume level of the front and back speakers differently.

Consequently, Applicants respectfully submit that one of ordinary skill in the art cannot obtain the claimed apparatus from the admitted prior art and Moyski *et al.*

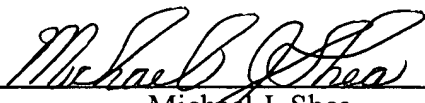
Nicholson *et al.* (U.S. Patent No. 6,330,337) is cited in connection with claim 5 for its alleged disclosure of certain volume control features. However, Nicholson *et al.* fails to remedy the deficiencies of the admitted prior art and Moyski *et al.* in connection with claim 1, from which claim 5 depends. As such, even assuming sufficient motivation could be identified for adding Nicholson *et al.* to the proposed combination of the admitted prior art and Moyski *et al.*, the subject matter of claim 5 would not result. Consequently, claim 5 is believed to be allowable for at least this reason.

Ishikawa (JP 4-162900) is cited in connection with claims 6 and 8 for its alleged disclosure of a storage unit, a readout unit and a changing unit as in claim 6 and for its alleged disclosure of monitoring as in claim 8. However, Ishikawa fails to remedy the deficiencies of the admitted prior art, Moyski *et al.* and Nicholson *et al.* in connection with claim 1, from which claims 6 and 8 each depends. As such, even assuming sufficient motivation could be identified for adding Ishikawa to the proposed combination of the admitted prior art, Moyski *et al.*, and Nicholson *et al.*, the subject matter of claims 6 and 8 would not result. Consequently, claims 6 and 8 are each believed to be allowable for at least this reason.

Reconsideration and favorable action are solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

Fig. 5

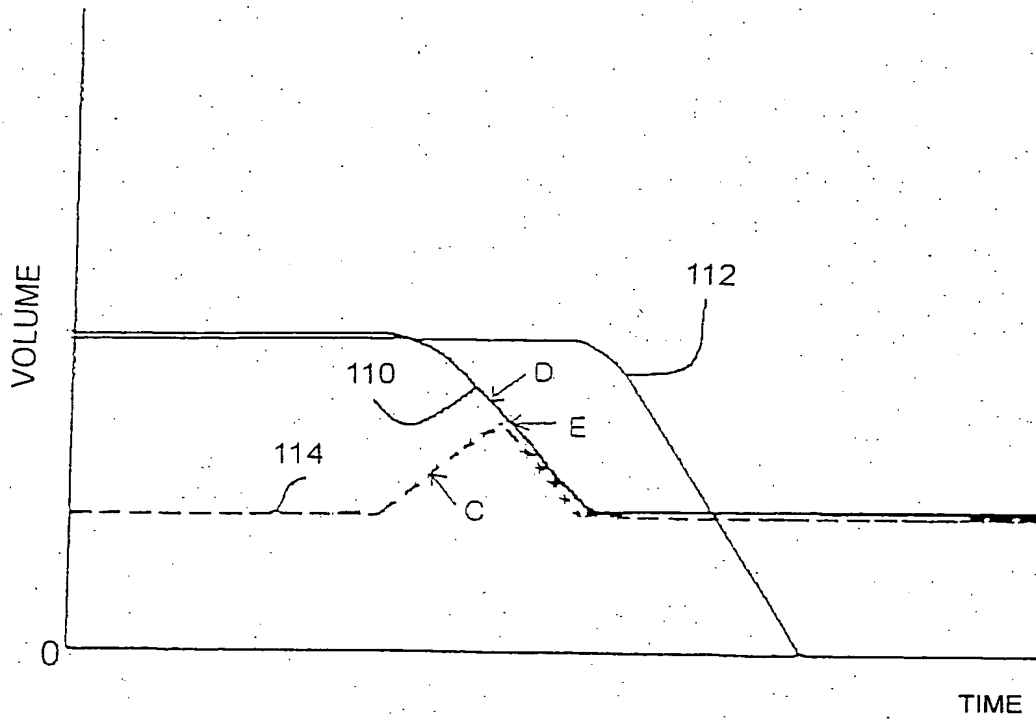


Fig. 6
Conventional Art

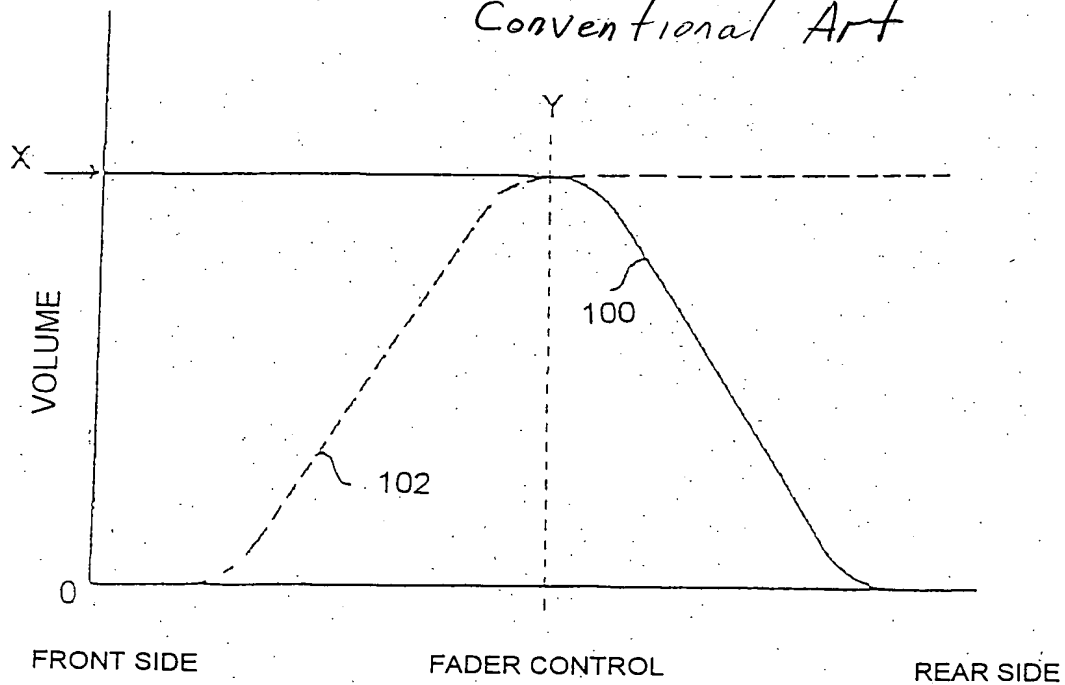




Fig. 7
Conventional Art

